

## **LIECHTENSTEIN**

### **EXECUTIVE SUMMARY**

The Principality of Liechtenstein is a multiparty constitutional monarchy with a parliamentary government. The unicameral Landtag (parliament) nominates, and the monarch appoints, the members of the government. A two-party coalition government was formed following free and fair parliamentary elections in 2009. Security forces reported to civilian authorities.

There were no reports of widespread or systemic human rights abuses.

The country's main human rights problems consisted of isolated instances of violence against women, including spousal abuse, and child abuse and societal discrimination against minorities.

The government took steps to prosecute officials who committed abuses.

#### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

##### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

##### **b. Disappearance**

There were no reports of politically motivated disappearances.

##### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

#### **Prison and Detention Center Conditions**

Prison and detention center conditions generally met international standards. In 2010 there were 76 persons serving time in prison or detention for a total of 4,081 days. Five were women, and two were under the age of 18. Thirty illegal

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immigrants were detained due to a violation of the provisions of the law on foreigners, and 36 persons were in prison for offenses under the criminal code. According to a provision in the 1982 bilateral treaty between Austria and Liechtenstein, Austria incarcerates Liechtensteiner prisoners with sentences over two years' imprisonment. Fifteen individuals from the country were incarcerated in Austria. Austrian detention officials provided regular reports on the prisoners to Liechtensteiner authorities. The country's only prison had a total capacity of 20 beds. The maximum capacity was not reached during the year, and up to four beds remained unassigned for emergency purposes. The detention facility was designed primarily as a short-term prison, and it was not possible to separate different categories of prisoners. Women prisoners had their own section.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. According to law, they could submit complaints to the prince, the government, parliament, and judicial authorities without censorship and request investigations of credible allegations of inhumane conditions. No such allegations were submitted during the year. There was no ombudsman who served on behalf of prisoners and detainees.

No deaths occurred in the detention center during the year.

The government permitted visits by independent human rights observers and appointed the Corrections Commission as an independent body to monitor prison conditions. The specialized commission, which also served as the designated national preventive mechanism under the Optional Protocol to the UN Convention against Torture, organized at least one unannounced visit to the country's prison each quarter. During these visits the commission collected documentation, interviewed staff members, and spoke privately with prisoners. The country also permitted visits by the Council of Europe's Committee for the Prevention of Torture.

The Corrections Commission made five unannounced visits in 2010 and four during the year. It released a report with recommendations for the government on February 15. The commission maintained that in 2010 overall conditions in the detention center were good but recommended transferring oversight of prison operations from the chief of police to the Ministry of Justice; counseling for prison staff; and the provision of female guards for female inmates. Juveniles were usually accommodated in the women's ward. Potable water was available to all prisoners. Alternative forms of punishment existed, including monetary penalties and charitable work for certain cases (especially for juvenile criminals).

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### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

### **Role of the Police and Security Apparatus**

Civilian authorities maintained effective control over the regular and auxiliary police, and the government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

### **Arrest Procedures and Treatment While in Detention**

Police arrest a suspect based on an arrest warrant issued by the national court. Within 48 hours of arrest, police must bring suspects before an examining magistrate who must either file formal charges or order the suspect's release, and authorities respected this right in practice. Release on personal recognizance or bail is permitted unless the examining magistrate has reason to believe that the suspect is a danger to society or would not appear for trial. The law grants suspects the right to legal counsel of their own choosing during pretrial detention, and counsel was provided at government expense to indigent persons. According to the criminal procedure code, every detainee must be informed at the time of detention or immediately thereafter of the reasons for the detention. The detainee also must be advised of his or her right to contact legal counsel and a relative. During investigative detention, visits may be monitored to prevent tampering with evidence.

### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

### **Trial Procedures**

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants are presumed innocent. A single judge hears trials involving minor offenses. While most trials were public, in 2010 approximately 30 percent of trials were closed proceedings. A panel of

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judges hear more serious or complex cases, and the most serious cases, including murder, go before a public jury. The law grants defendants the right to legal counsel of their own choosing; counsel is provided at government expense for indigent persons. Defendants may challenge witnesses or evidence and present witnesses or evidence on their own behalf. They have access to government-held evidence relevant to their cases. Those convicted have the right to appeal, ultimately to the Supreme Court.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary in civil matters and access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Citizens may appeal cases involving possible violations of the European Convention on Human Rights by the state to the European Court of Human Rights.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

##### **Status of Freedom of Speech and Press**

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. However, the law prohibits public insult directed against a race, people, or ethnic group, with a possible prison sentence of up to two years. During the year no such charges were filed. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

#### **Internet Freedom**

There were no government restrictions on access to the Internet or credible reports

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that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

#### **b. Freedom of Peaceful Assembly and Association**

The constitution and law provide for freedom of assembly and association, and the government generally respected these rights in practice.

#### **c. Freedom of Religion**

See the Department's *International Religious Freedom Report* at [www.state.gov/j/irf/rpt](http://www.state.gov/j/irf/rpt).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

### **Protection of Refugees**

Access to Asylum: The laws provide for the granting of asylum or refugee status, and the government has a system for providing protection to refugees.

Safe Country of Origin/Transit: According to the law, persons entering the country from another safe country are not eligible for asylum.

Nonrefoulement: In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

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Refugee Abuse: In May 2010 a UN Committee against Torture (CAT) report noted that Liechtenstein authorities did not allow asylum seekers under expulsion orders sufficient time to request an appeal hearing. Under previously existing law, such individuals had only 24-hours to request a hearing before the Administrative Court, which according to CAT, was too short a period to ensure access to the asylum procedures in Switzerland or Austria, countries having readmission agreements with Liechtenstein. Based on CAT recommendations, the county's constitutional court proposed an expanded time span. The law was adopted by the Principality's parliament in its session of December 15, resulting in the effective extension of the hearing period from 24 hours to five days. In practice the period of time asylum seekers had to request a hearing had already been expanded to five days earlier, with the extended period applied to a number of cases during the year.

During the year Liechtenstein sent 13 asylum seekers to Switzerland, compared with 18 in 2010. Asylum seekers were not sent to countries with poorly functioning asylum systems.

Temporary Protection: The government has a system for providing temporary protection to individuals who may not qualify as refugees. Three individuals from one family were granted such temporary protection during the year.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution and law provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

As a hereditary monarchy, the country's line of succession is restricted to male descendants of the Liechtenstein dynasty. Prince Hans Adam II is the head of state. In 2004 Hereditary Prince Alois assumed the duties of head of state, exercising the rights of office on behalf of the reigning prince. All legislation enacted by the parliament must have the concurrence of the monarch and the prime minister.

### **Elections and Political Participation**

Recent Elections: In 2009 the country held free and fair parliamentary elections.

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Participation of Women and Minorities: There were six women in the 25-member parliament and two women in the five-seat cabinet. There were no known members of minorities in the government.

### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption, and the government effectively implemented these laws. There were no reports of government corruption during the year.

The law prohibits public officials from requesting or accepting gifts or benefits in connection with their duties and places restrictions on public officials engaging in private commercial activities. The police and the prosecutor's office, respectively, are responsible for investigating and prosecuting official corruption. The police employ an organizationally independent special investigative unit for corruption cases. An interdepartmental working group chaired by the Ministry of Foreign Affairs coordinated measures to prevent and fight corruption.

Public officials are not subject to comprehensive financial disclosure laws.

The law requires the government to inform the public of its activities, and government information was freely available to all persons living in the country, including domestic and foreign media.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, gender, disability, language, or social status. The law also prohibits public incitement to violence or public agitation or insult directed against a race, people, or ethnic group. The government effectively enforced these prohibitions.

#### **Women**

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Rape and Domestic Violence: Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted those accused of such crimes. Spousal rape has the same penalties as rape under other circumstances. Sentences for spousal rape may be reduced if the victim decides to remain with the abusive spouse.

The law prohibits all forms of domestic violence and provides for restraining orders against violent family members. However, there were reports of violence against women, including spousal abuse. According to police records, 14 women were the victims of domestic violence.

Sixteen women and 10 children received counseling and refuge at the Frauenhaus, a women's shelter. Government centers provided single-stop financial, administrative, legal, and psychological assistance to victims of domestic violence.

Sexual Harassment: Stalking is a criminal offense. Sexual harassment is illegal and punishable by up to six months in prison or a fine, and the government effectively enforced these prohibitions. Employers are required to take reasonable measures to prevent sexual harassment; failure to do so may result in compensation for victims up to 40,000 Swiss francs (approximately \$41,840). There were three recorded complaints of sexual harassment during the year.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Contraceptives and medical services are readily available. There were no reports of barriers limiting access to maternal health services. Women and men had equal access to diagnosis and treatment for sexually transmitted diseases, including HIV.

Discrimination: Women enjoy the same legal rights as men, including rights under family law, property law, and in the judicial system. The Equal Opportunity Office and the Commission on Equality between Women and Men worked to eliminate all forms of gender discrimination. However, societal discrimination continued to limit opportunities for women in fields traditionally dominated by men. On average women earned 20 percent less than men for equal work. The labor contract law and the equal opportunity law contain provisions to combat gender discrimination in the workplace.

On September 16, the government hosted a conference on equal opportunities commemorating the 25th anniversary of the country's Commission for Equality

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between Women and Men.

### Children

Birth Registration: Citizenship is derived from one's parents at birth. Citizenship may be derived from a single parent. Any child born in the country may acquire citizenship after five years. Children are registered at birth.

Child Abuse: There were eight cases of child abuse during the year, compared with five cases in 2010. Authorities charged and prosecuted perpetrators in four of the five 2010 cases during the year; there was one conviction. Possession of child pornographic material is a criminal offense. Police registered five cases of pornography involving minors in 2010. According to the law, penalties for statutory rape are between one and 10 years' imprisonment. The law sets the minimum age for consensual sex at 14 years.

The government supported programs to protect the rights of children and made financial contributions to three nongovernmental organizations that monitored children's rights. The Office for Social Services oversaw the implementation of government-supported programs for children and youth.

International Child Abduction: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### Anti-Semitism

The small Jewish community does not have an organizational structure. Approximately 30 individuals belonged to the Jewish community in 2010. There were no reports of anti-Semitic acts against persons or property.

### Trafficking in Persons

For information on trafficking in persons, see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, or the provision of other state services or other areas.

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The government effectively implemented laws and programs to ensure that persons with disabilities have access to buildings, information, and communications, and disabled persons readily had access. The law mandates that all public kindergartens and schools, as well as public transportation systems, must be accessible to persons with disabilities by 2012. During the year 296 buildings were “barrier-free,” an increase of 46 over the past five years. The law requires recently constructed public buildings to be barrier-free by 2027 and older public buildings by 2019.

### National/Racial/Ethnic Minorities

Police estimated that violent right-wing extremists, including skinheads, numbered no more than 30 to 40 persons. The government continued to monitor right-wing groups. Foreign nationals, mostly Swiss, Austrian, German, and Italian, represented 33 percent of the resident population. Ethnic Turks accounted for 6.5 percent of the foreign population. Although no serious incidents were cited during the year, police reported six racially motivated offenses involving right-wing extremists in 2010. Two cases were prosecuted, resulting in one conviction.

In 2010 the government initiated an awareness campaign against right-wing extremism and established a working group against such extremism. The working group initiative was ongoing at yearend, but the awareness campaign ended in 2010.

### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

During the year there were no formal complaints issued by the country’s gay community, nor were there any gay pride marches scheduled. On March 16, the government implemented a registered partnership law aimed at eliminating legal discrimination against same-sex couples; 70 percent of the voting public voted in favor of the initiative on June 19.

The Office of Equal Opportunity launched campaigns and organized numerous events with NGOs to raise awareness of lesbian, gay, bisexual, and transgender (LGBT) issues.

### Other Societal Violence or Discrimination

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There were no reports of discrimination against persons with HIV/AIDS.

### **Section 7. Worker Rights**

#### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides that all workers, including foreigners, are free to form and join independent unions of their choice and select their own union representatives. The law allows unions to conduct their activities without government interference. There are no provisions in the constitution or in labor laws explicitly banning the right to strike, nor does the law prohibit antiunion discrimination.

Strikes by civil servants are permitted; however no strikes occurred during the year. Likewise, there were no reports of antiunion discrimination.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced or compulsory labor, including by children; there were no reported violations.

#### **c. Prohibition of Child Labor and Minimum Age for Employment**

There are laws and policies to protect children from exploitation in the workplace, and the government effectively enforced these laws. The law prohibits the employment of children younger than 16; exceptions may be made for the limited employment of children who are 14 and older and for those who leave school after completing nine years of compulsory education. Children who are 14 and older may be employed in light duties for not more than nine hours per week during the school year and 15 hours per week at other times.

The law prohibits labor that subjects children to physical, psychological, moral, or sexual abuse. There were no reported cases.

The government devoted adequate resources and oversight to child labor policies, and the Department for Worker Safety of the Office of the National Economy effectively supervised compliance with the law.

#### **d. Acceptable Conditions of Work**

There is no national minimum wage. The Liechtenstein Workers Association

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negotiates minimum wages annually with the Chamber of Commerce and the Chamber for Economic Affairs. The government estimated the poverty income level at approximately 28,000 Swiss francs (\$29,300) per year, which equals 2,300 Swiss francs (\$2,400) monthly, for a household (two adults and two children) and around 1,100 Swiss francs (\$1,153) per month for a single person.

The law sets the maximum workweek at 45 hours for white-collar workers and employees of industrial firms and sales personnel, and 48 hours for other workers. The law provides for a daily mandatory one-hour break and an 11-hour rest period for full-time workers; with few exceptions, Sunday work is not allowed. Pay for overtime is required to be at least 25 percent higher than the standard rate, and overtime is generally restricted to two hours per day. The average workweek, including overtime, may not exceed 48 hours over a period of four consecutive months. Thousands of workers commuted from neighboring countries daily and were covered by the same standards.

The law sets occupational health and safety standards, and the Department for Worker Safety generally enforced these provisions effectively. Data on workplace accidents and fatalities for the 2010-2011 period was not available.